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COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED SB 135, by motion, on **Wednesday, February 7, 2007**.



(For the Committee)



(Secretary of the Senate)

_____, 2-7
(Time) (Date)

February 7, 2007

Cj Johnson, Secretary

Phone: 44-4762

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator TROPIA, Joe

to vote my proxy on any issue before the Senate Business & Labor

_____ Committee
held on 2/7/07, 2007.

No 40 Table SB 135
Don Ryan

SENATOR
STATE OF MONTANA

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

BUSINESS AND LABOR

DATE 2-7-07

BILLS BEING HEARD TODAY SB 52, 148, 344

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bob Mulvaney	2749	DEPT LABOR/INDUSTRY	344		
Konna Alexander	459-0466	Conv. Store Assoc.	344	X	
Paley Johnson	443-3797	NFIB	344	X	
Paley Johnson	443-3797	NFIB	148	X	
Jon Bennion	697-0568	MT Chamber	148	X	
Jon Bennion	697-0568	MT Chamber	344	X	
Bill Muhs	587-8839	Self	52	X	
Paul Nachman	587-2488		52	X	
Deborah Smith	442-3241	Self	52		X
Gwen Barrett		GOED	148	?	?
Amy Hall	442-9830x14	MT Legal Services Assoc	52		X
Andrea J. Olson		Montana Trial Lawyers	344		X
Bruce Spencer	442-2980	Asst. Atty. Gen.	344	X	
Ronda Wiggers	899-5659	GF & Helena Chamber	344	X	
Dave Judge	459-1708	Transbus Local 190	SB 344		X
Barry Slom	442-6600	MMCA	SB 344	X	
Dave Judge	459-1708	MT Chapin, Team Club	SB 148		X
" "	" "	Transbus Local 190	SB 148		X
Carol Schweitz	431-276	Bozeman Chamber	344	X	
G Ball	580-9559	St. of MT.	52		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

32-1-102. Institutions to which chapter is applicable. (1) The word "bank" as used in this chapter means any corporation that has been incorporated to conduct the business of receiving money on deposit or transacting a trust or investment business, as defined in this chapter.

(2) The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business is doing a commercial or savings bank business, whether the deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, or other receipt. This section does not apply to or include money or its equivalent left in escrow or left with an agent pending investment in real estate or securities for or on account of the agent's principal.

(3) It is unlawful for any corporation, partnership, firm, or individual to engage in or transact a banking business within this state except by means of a corporation duly organized for that purpose.

(4) Banks are divided into the following classes:

- (a) commercial banks;
- (b) savings banks;
- (c) trust companies;
- (d) investment companies.

(5) This chapter does not apply to any investment company or corporation established prior to March 8, 1927, under authority of the law of Montana not accepting, receiving, or holding money on deposit.

(6) This chapter does not apply to a student financial institution, as defined in 32-1-115.

15-30-101. Definitions. For the purpose of this chapter, unless otherwise required by the context, the following definitions apply:

(1) "Base year structure" means the following elements of the income tax structure:

- (a) the tax brackets established in 15-30-103, but unadjusted by 15-30-103(2), in effect on June 30 of the taxable year;
- (b) the exemptions contained in 15-30-112, but unadjusted by 15-30-112(6), in effect on June 30 of the taxable year;
- (c) the maximum standard deduction provided in 15-30-122, but unadjusted by 15-30-122(2), in effect on June 30 of the taxable year.

(2) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.

(3) "Corporation" or "C. corporation" means a corporation, limited liability company, or other entity:

- (a) that is treated as an association for federal income tax purposes;
- (b) for which a valid election under section 1362 of the Internal Revenue Code (26 U.S.C. 1362) is not in effect; and
- (c) that is not a disregarded entity.

(4) "Department" means the department of revenue.

(5) "Disregarded entity" means a business entity:

- (a) that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; or
- (b) that is a qualified subchapter S. subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code (26 U.S.C. 1361(b)(3)).

(6) "Dividend" means:

- (a) any distribution made by a C. corporation out of its earnings and profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends; and
- (b) any distribution made by an S. corporation treated as a dividend for federal income tax purposes.

(7) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate.

(8) "Foreign C. corporation" means a corporation that is not engaged in or doing business in Montana, as provided in 15-31-101.

(9) "Foreign government" means any jurisdiction other than the one embraced within the United States, its territories, and its possessions.

FEDERAL PROGRAMS WITHOUT IMMIGRATION STATUS RESTRICTIONS

NOTE: This is not an exhaustive list, and it focuses only on federal program eligibility. Don't forget to review and evaluate eligibility requirements for state "replacement" programs and for other state and local programs and services

Statutory Exceptions

- Emergency Medicaid (includes labor and delivery)
- Prenatal care --2002 U.S. DHHS rule gives states option to provide health insurance coverage to unborn children through SCHIP
- Immunizations, testing and treatment for symptoms of communicable diseases (outside of Medicaid)
- Short-term non-cash disaster relief
- Certain housing assistance if receiving on 8/22/96
- WIC (state option), School Lunch, School Breakfast, Summer Food Service Program, Child and Adult Care Food Program
- **Community-based assistance**, not conditioned on income or resources, and necessary to protect life or safety, as described by the Attorney General.
Examples of programs designated by Attorney General:
 - Child protection and adult protective services
 - Violence and abuse prevention, including domestic violence
 - Mental illness treatment, substance abuse treatment
 - Short-term shelter or housing assistance (e.g. women's shelters)
 - Programs addressing adverse weather conditions
 - Soup kitchens, food banks, senior nutrition programs
 - Medical / public health services and mental health, disability or substance abuse services necessary to protect life or safety
- **Federal programs not designated as "federal public benefits."**
Example, HHS has 315 total programs. About 30 have been designated as "federal public benefits" for which only qualified immigrants are eligible under PRWORA.
 - Some of the 285 programs not included in the designation are Head Start and Community Health Centers.
 - Not all services even of the 30 designated programs meet the definition of "federal public benefit."
- **Federally funded benefit programs administered by non-profit, charitable organizations** are exempt from the immigration status verification requirements imposed by the 1996 welfare and immigration laws.

FEDERAL POLICY GUIDANCE REGARDING INQUIRIES INTO CITIZENSHIP, IMMIGRATION STATUS, AND SOCIAL SECURITY NUMBERS IN STATE BENEFIT APPLICATION FORMS: SUMMARY OF REQUIREMENTS

On September 21, 2000, the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) issued guidance to state officials clarifying the proper treatment of immigration status and Social Security Number (SSN) questions on benefit application forms used by states. Many states have been combining applications for food stamps, Medicaid, State Children's Health Insurance Program (SCHIP), and Temporary Assistance for Needy Families (TANF) into a single form. However, the combined form used by states often includes unnecessary and inappropriate questions regarding immigration status and SSNs, discouraging eligible immigrants and their citizen family members from applying for benefits. The guidance clarifies that only the immigration status of the "applicant" for benefits is relevant. And, although applicants for food stamps, Medicaid, and TANF must apply for SSNs if they do not have them, states must assist them in applying for SSNs and cannot delay or deny benefits while the SSN is pending. SSNs are not required of applicants for SCHIP benefits.

The table below summarizes the requirements for the programs covered by the guidance. For greater detail, please consult the guidance.

PROGRAM	IMMIGRATION STATUS QUESTIONS ¹	SOCIAL SECURITY NUMBER QUESTIONS	COMMENTS
Emergency Medicaid	No proof of immigration status required	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
Non-Emergency Medicaid (including Medicaid expansions under SCHIP)	Required only for persons seeking benefits	Required only for person seeking benefits	States must assist individuals in applying for SSNs.
SCHIP (separate State Children's Health Insurance Programs)	Required only for persons seeking benefits	State option to require SSN of applicants	Although the Guidance originally declared that states may not require an SSN in separate SCHIP programs, HHS later reversed its position and granted states the option to impose this requirement.*
Food Stamps	Required for persons seeking benefits	Required for persons seeking benefits	States are encouraged to allow household members who are not seeking benefits to identify as "non-applicants" early in the process. Benefits cannot be denied to eligible persons based on a household member's choice not to disclose immigration status or SSN.
TANF (Temporary Assistance for Needy Families)	Required for persons seeking benefits	Required for persons seeking benefits	States may allow ineligible family members to designate themselves as "non-applicants" on the initial application form. States must assist individuals in applying for SSNs.

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¹ Victims of trafficking who have been certified by the U.S. Department of Health and Human Services should be able to receive all of these benefits, if otherwise eligible, without showing proof of their immigration status.

* Health Care Financing Administration, Interim Final Rule, "Revisions to the Regulations Implementing the State Children's Health Insurance Program," 66 Fed. Reg. 33810, 33823 (June 25, 2001).

TABLE 1
 Overview of Immigrant Eligibility for Federal Programs

This table provides an overview of immigrant eligibility for the major federal public assistance programs. Some states provide assistance to immigrants who are not eligible for federally funded services. (TABLE UPDATED Mar. '05)

PROGRAM	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	"NOT QUALIFIED" IMMIGRANTS
Supplemental Security Income (SSI)	<p>Eligible only if:</p> <ul style="list-style-type: none"> Receiving SSI (or application pending) on Aug. 22, 1996 Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996¹ Lawful permanent resident with credit for 40 quarters of work^{1,2} Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first 7 years after getting status</i> Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ Certain American Indians born abroad 	<p>Eligible only if:</p> <ul style="list-style-type: none"> Lawful permanent resident with credit for 40 quarters of work² (but must wait until 5 years after entry before applying) Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first 7 years after getting status</i> Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ Certain American Indians born abroad 	<p>Eligible only if:</p> <ul style="list-style-type: none"> Receiving SSI (or application pending) on Aug. 22, 1996 Certain American Indians born abroad Victims of trafficking and their derivative beneficiaries
Food Stamps³	<p>Eligible only if:</p> <ul style="list-style-type: none"> Are under age 18³ Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant Have been in "qualified" immigrant status for 5 years¹ Are receiving disability-related assistance^{1,4} Lawful permanent resident with credit for 40 quarters of work Were 65 years or older and were lawfully residing in the U.S. on Aug. 22, 1996¹ Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ Certain American Indians born abroad 	<p>Eligible only if:</p> <ul style="list-style-type: none"> Are under age 18³ Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant Have been in "qualified" immigrant status for 5 years¹ Are receiving disability-related assistance^{1,4} Lawful permanent resident with credit for 40 quarters of work Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ Certain American Indians born abroad 	<p>Eligible only if:</p> <ul style="list-style-type: none"> Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse or child of tribe member, <i>who is lawfully present in the U.S.</i> Certain American Indians born abroad Victims of trafficking and their derivative beneficiaries

(rev. 03/05)

table continued next page >

TABLE 1 (CONTINUED, p. 2 of 3)
Overview of Immigrant Eligibility for Federal Programs

PROGRAM	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	"NOT QUALIFIED" IMMIGRANTS
Temporary Assistance for Needy Families (TANF)	Eligible ¹	Eligible only if: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant⁵ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in "qualified" immigrant status for 5 years or more^{1,5} 	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries
Emergency Medicaid (includes labor and delivery)	Eligible	Eligible	Eligible
Full-Scope Medicaid	Eligible ⁶	Eligible only if: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant⁷ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in "qualified" immigrant status for 5 years or more^{1,7} 	Eligible only if: <ul style="list-style-type: none"> • Were receiving SSI on Aug. 22, 1996 (in states that link Medicaid to SSI eligibility) • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries
State Children's Health Insurance Program (SCHIP)⁸	Eligible	Eligible only if: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in "qualified" immigrant status for 5 years or more¹ 	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries
Medicare "Premium Free" Part A (hospitalization) (eligibility based on work history)	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> • Lawfully present, and eligibility for assistance is based on authorized employment
Premium "Buy-in" Medicare	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years 	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years 	Not Eligible

(rev. 03/05)

table continued next page ➤

TABLE 1 (CONTINUED, p. 3 of 3)
Overview of Immigrant Eligibility for Federal Programs

PROGRAM	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	"NOT QUALIFIED" IMMIGRANTS
HUD Public Housing and Section 8 Programs	<p>Eligible except:</p> <ul style="list-style-type: none"> Certain Cuban/Haitian entrants and "qualified" abused spouses and children <p>Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>	<p>Eligible except:</p> <ul style="list-style-type: none"> Certain Cuban/Haitian entrants and "qualified" abused spouses and children <p>Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>	<p>Eligible only if:</p> <ul style="list-style-type: none"> Temporary resident under IRCA general amnesty, or paroled into the U.S. for less than 1 year Victims of trafficking and their derivative beneficiaries Citizens of Micronesia, the Marshall Islands, and Palau <p>Note: For other immigrants, eligibility may depend on the date the family began receiving housing assistance, the immigration status of other household members, and the household composition.</p> <p>Also note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>
Title XX Block Grants	Eligible	Eligible	<p>Eligible only if:</p> <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries Program or service funded by the block grant is exempt from the welfare law's restrictions
Social Security	Eligible⁹	Eligible⁹	<p>Eligible only if:</p> <ul style="list-style-type: none"> Lawfully present⁹ Were receiving assistance based on an application filed before Dec. 1, 1996 Eligibility required by certain international agreements
Other Federal Public Benefits Subject to welfare law's restrictions	Eligible	Eligible	<p>Eligible only if:</p> <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries
Benefits Exempt from welfare law's restrictions	Eligible	Eligible	Eligible

(rev. 3/05)

Notes appear on next page ➤

KEY TERMS USED IN TABLE (*IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS*)

"Qualified" immigrants are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; and (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/

suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty. Parent/child of such battered child/spouse are also "qualified." Victims of trafficking (who are not included in the "qualified" immigrant definition) and their derivative beneficiaries are eligible for benefits funded or administered by federal agencies, without regard to their immigration status. *"Not qualified" immigrants* include all noncitizens who do not fall under the "qualified" immigrant categories.

ENDNOTES

- 1 Eligibility may be affected by deeming: a sponsor's income/resources may be added to the immigrant's in determining eligibility. Exemptions from deeming may apply.
- 2 LPRs are eligible if they have worked 40 qualifying quarters in the U.S. Immigrants also get credit toward their 40 quarters for work performed (1) by parents when the immigrant was under 18; and (2) by spouse during the marriage (unless the marriage ended in divorce or annulment). No credit is given for a quarter worked after Dec. 31, 1996, if a federal means-tested public benefit (SSI, food stamps, TANF, Medicaid, or SCHIP) was received in that quarter.
- 3 Children are not subject to sponsor deeming in the food stamp program.
- 4 Disability-related benefits include SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability, disability-based Medicaid, and disability-related General Assistance if the disability determination uses criteria as stringent as those used by federal SSI.
- 5 In Indiana, Mississippi, Ohio, South Carolina, and Texas, TANF is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse, unremarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the five years after obtaining this status. Indiana provides TANF to "refugees" listed in (3) regardless of the date they obtained that status. Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.
- 6 In Wyoming, only LPRs with 40 quarters of work credit, abused immigrants, parolees, veterans, active duty military (and their spouse, unremarried surviving spouse, or child), refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants who entered the U.S. prior to Aug. 22, 1996, are eligible for full-scope Medicaid.
- 7 In Alabama, Mississippi, North Dakota, Ohio, Texas, Virginia, and Wyoming, full-scope Medicaid is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse, unremarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the seven years after obtaining this status. Wyoming provides full-scope Medicaid to "qualified" abused immigrants and persons paroled into the U.S., regardless of their date of entry. In Texas, Amerasian immigrants are eligible only during the five years after obtaining this status; Mississippi, and North Dakota do not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.
- 8 In states that opt to cover fetuses, SCHIP provides prenatal care regardless of the mother's immigration status. The scope of coverage depends in part on how the option is implemented.
- 9 For applications based on Social Security numbers issued on or after Jan. 1, 2004: must have been assigned a Social Security number that was, at the time assigned or at any later time, valid for work purposes. Alternatively, must have been admitted to the U.S. temporarily for business or as a crewman when the relevant work quarters were earned.

HHS Programs Providing Federal Public Benefits

- **Adoption Assistance**
- Administration on Developmental Disabilities (ADD)—State Developmental Disabilities Councils (direct services only)
- ADD—Special Projects (direct services only)
- ADD—University Affiliated Programs (clinical disability assessment services only)
- Adult Programs/Payments to Territories
- Agency for Health Care Policy and Research
- Dissertation Grants
- **Child Care and Development Fund**
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse
- **Foster Care**
- Health Profession Education and Training Assistance
- Independent Living Program
- Job Opportunities for Low Income Individuals (JOLI)
- **Low Income Home Energy Assistance Program (LIHEAP)** (single unit buildings only)
- **Medicare**
- **Medicaid** (except assistance for an emergency medical condition)
- Mental Health Clinical Training Grants
- Native Hawaiian Loan Program
- **Refugee Cash Assistance**
- **Refugee Medical Assistance**
- Refugee Preventive Health Services Program
- Refugee Social Services Formula Program
- Refugee Social Services Discretionary Program
- Refugee Targeted Assistance Formula Program
- Refugee Targeted Assistance Discretionary Program
- Refugee Unaccompanied Minors Program
- Refugee Voluntary Agency Matching Grant Program
- Repatriation Program
- **Residential Energy Assistance Challenge Option (REACH)**
- **Social Services Block Grant (SSBG)**
- **State Children's Health Insurance Program (SCHIP)**
- Temporary Assistance for Needy Families (TANF)

Some Federal Policy References on Immigrant Access

HHS Language Access Guidance, 8/8/03 (HHS-OCR), <http://www.hhs.gov/ocr/lep>

For other agency guidance and resources, see www.LEP.gov

DOJ Public Charge Guidance, 5/26/99 (INS)

<http://www.hhs.gov/ocr/nationalorigin/otherfedres.html>

INS Fact Sheets on Public Charge,

<http://www.hhs.gov/ocr/nationalorigin/otherfedres.html>

HHS/USDA State Application Guidance, 9/30/00,

<http://www.hhs.gov/ocr/nationalorigin/>

DOJ Mandatory Reporting Notice, 9/28/00 (HHS, SSA, DOL, HUD) 65 Fed. Reg. 58301

HHS Interpretation of "Federal Public Benefit," 8/4/98, 63 Fed. Reg. 41658

DOJ Final Specification of Community Programs Necessary for the Protection of Life and Safety 1/16/01, 66 Fed. Reg. 3613

DOJ Interim Guidance on Verification (INS) 11/17/97) 62 Fed. Reg. 61415

HHS/CMS Guidance on Qualified Aliens, Five-Year Bar, Verification of Immigration Status,

http://www.cms.hhs.gov/MedicaidEligibility/05a_Immigrants.asp#TopOfPage

HHS/ACF Guidance on Five-Year Bar, Verification of Immigration Status (TANF),

www.acf.hhs.gov/programs/ofa/polquest

HHS/ACF Deeming of Sponsor's Income and Resources to a Non-Citizen (TANF),

4/17/03, www.acf.hhs.gov/programs/ofa/pi2003-3.htm

USDA Food Stamp Regulations on Deeming, 11/21/00 (FNS), 65 Fed. Reg. 70134

HHS Domestic Violence Fact Sheet, 1/30/01 (OCR),

<http://www.hhs.gov/ocr/nationalorigin/ocrguidance.html>

DOJ on Violence Against Women Act, <http://uscis.gov/graphics/howdoi/battered.htm>

HHS/ACF Eligibility of Victims of Trafficking, 5/3/01 (ORR),

<http://www.acf.hhs.gov/programs/orr/policy/sl01-13.htm>

HHS/ACF Child Care Guidance, 10/27/00,

<http://www.acf.hhs.gov/programs/ccb/policy1/current/pi0004/pi0004.htm>

HHS/ACF Refugees Should Receive Unrestricted SSNs (ORR), 7/12/00,

<http://www.acf.hhs.gov/programs/orr/policy/sl00-14.htm>

HHS Office for Civil Rights * www.hhs.gov/ocr

Facts About Immigrants

July 2004

Immigrant families make up a large share of the U.S. population.

- According to the 2000 Census, there are over 30 million immigrants in the U.S., representing 11 percent of the total population.¹
- One in five children in the U.S. is the native- or foreign-born child of an immigrant.²
- Immigrants are settling in communities throughout the U.S. During the 1990s, the immigrant population in "new immigrant" states grew twice as fast (61 percent versus 31 percent) as the immigrant population in the six states that receive the greatest numbers of immigrants.³
- Immigrants and citizens live together in families: 85 percent of immigrant families with children are mixed status families (families in which at least one parent is a non-U.S. citizen and one child is a U.S. citizen).⁴
- Between 1970 and 2000, the naturalized citizen population increased by 71 percent.⁵

Immigrants contribute significantly to the U.S. economy.

- According to the National Academy of Sciences, the total net benefit to the Social Security system if immigration levels remain constant will be nearly *\$500 billion* for the 1998–2022 period, and nearly *\$2 trillion* through 2072.⁶
- In New York, also in 1997, \$13.3 billion (69 percent) of the \$19.3 billion in taxes paid by immigrants went to the federal government in the form of income taxes, Social Security taxes, and unemployment insurance.⁷
- In 2000, the foreign-born population accounted for nearly 15 percent of the total civilian labor force.⁸
- In 2000 foreign-born men 16 years old and older had a higher labor force participation rate (80 percent) than native-born men (74 percent).⁹

Immigrants rely disproportionately on low-wage, low-benefit jobs.

- Even though 7.1 percent of all workers are noncitizens, almost 20 percent of all low-wage workers who live in low-income families with children are noncitizens.¹⁰
- Almost 43 percent of immigrants work at jobs paying less than \$7.50 an hour, compared to 28 percent of all workers.¹¹
- Only 26 percent of immigrants have job-based health insurance.¹²



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Immigration
Law Center
www.nilc.org

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510 663-2028

Immigrant families use benefits at lower rates than citizen families, and benefits are not a factor in decisions to migrate to the U.S.

- Use of public benefits by lawfully present immigrant families with children who earn less than 200 percent of the federal poverty level fell sharply between 1994 and 1999.¹³
- Nearly 33 percent of low-income native citizens used Medicaid in 2001, compared with only 13.2 percent of low-income noncitizens.¹⁴
- Low-income immigrant families with children have lower TANF-use rates than low-income citizen families with children (8.7 percent versus 11.6 percent).¹⁵ (TANF is the acronym for Temporary Assistance for Needy Families.)
- Welfare does not drive migration patterns. Between 1995 and 2000, the number of immigrant families with children grew four times faster in states with the least generous "safety nets" for immigrants (such as Arkansas and Texas) than it did in states with more generous safety nets (such as California and Massachusetts).¹⁶

Limited English proficiency is associated with lower earnings.

- Approximately 15.5 million adults between the ages of 18 and 64 are considered limited English proficient, and 62 percent of low-wage immigrant workers are LEP.¹⁷
- Immigrants and refugees who are fluent in oral and written English earn about 24 percent more than those who lack fluency, regardless of their qualifications.¹⁸
- The final report to the U.S. Dept. of Education on the National Workplace Literacy Program, which integrated job training with language acquisition, found that after employees participated in the program, employers reported drops in attendance problems, better production, increased job retention, and increased quality control.
- A study in Los Angeles by the Economic Roundtable found that former welfare recipients who were English proficient earned a higher wage than former welfare recipients who did not speak English or who were LEP.¹⁹

Restrictions on support services immigrants can receive hurt children.

- One-third of all children in the U.S. who are eligible for Medicaid, but not enrolled, are children in immigrant families.²⁰
- Even though U.S. citizen children living with noncitizens remained eligible for food stamps, between 1994 and 1999 their participation in the Food Stamp Program declined 35 percent.²¹
- The children of immigrants are more likely to be disadvantaged than the children of natives. They are more likely to be poor (24 percent versus 16 percent); more likely to be uninsured (22 percent versus 10 percent); more likely to have no usual source of medical care (14 percent versus 4 percent); and more likely not to have a steady source of food (37 percent versus 27 percent).²²

¹ Michael Fix, Wendy Zimmerman, and Jeffrey Passell, *The Integration of Immigrant Families in the United States* (Urban Institute, July 2001).

² Urban Institute, *Check Points* (September 2000).

³ Fix, Zimmerman, and Passell.

⁴ Ibid.

⁵ U.S. Census Bureau, *Profile of the Foreign-Born Population in the United States: 2000* (U.S. Department of Commerce, December 2001).

⁶ National Academy of Sciences, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (1997).

⁷ Jeffrey Passell and Rebecca Clark, *Immigrants in New York: Their Legal Status, Incomes, and Taxes* (Urban Institute, April 1998).

⁸ Sum, Khatiwada, Harrington, et al., *New Immigrants in the Labor Force and the Number of Employed New Immigrants in the U.S. from 2000 through 2003: Continued Growth Amidst Declining Employment Among Native Born Population* (Center for Labor Market Studies, Northeastern University, December 2003).

⁹ Ibid.

¹⁰ Michael Fix, Urban Institute tabulation of Current Population Survey (November 2001).

¹¹ Ibid.

¹² Leighton Ku and Shannon Blaney, *Health Coverage for Legal Immigrant Children: New Census Data Highlight Importance of Restoring Medicaid and SCHIP Coverage* (Center on Budget and Policy Priorities, October 2000).

¹³ Michael Fix and Jeffrey Passell, *The Scope and Impact of Welfare Reform's Immigrant Provisions* (Urban Institute, January 2002).

¹⁴ John Holahan and Marie Wang, *The Decline in Medicaid Use by Noncitizens since Welfare Reform* (Urban Institute May 2003).

¹⁵ Fix and Passell.

¹⁶ Michael Fix, "Should Legal Immigrants Receive Public Benefits" (presentation at the Brookings Institution's Welfare and Beyond Forum, February 2002).

¹⁷ Capps, Fix, Passell, et al.

¹⁸ A. Gonzalez, *The Acquisition and Labor Market Value of Four English Skills: New Evidence from NALS* (Contemporary Economic Policy, July 2000).

¹⁹ Mark Drayse, Daniel Flaming, and Peter Force, *The Cage of Poverty* (The Economic Roundtable, September 2000).

²⁰ Leighton Ku and Shannon Blaney, *Health Coverage for Legal Immigrant Children: New Census Data Highlight Importance of Restoring Medicaid and SCHIP Coverage* (Center on Budget and Policy Priorities, October 2000).

²¹ United States Department of Agriculture, *The Decline in Food Stamp Participation: A Report to Congress* (July 2001).

²² Randy Capps, *Hardship among Children of Immigrants: Findings from the 1999 National Survey of America's Families* (Urban Institute, February 2001).